

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

May 8, 2013

Enbridge Energy, Limited Partnership
c/o Mr. Rich Adams
Vice President, Operations
Superior City Centre
Second Floor
1409 Hammond Ave.
Superior, Wisconsin 54880

Re: Approval with Modifications of Enbridge Energy, Limited Partnership's May 1, 2013 submittal in response to the requirements of the Administrative Order issued by U.S. EPA on March 14, 2013, pursuant to §311(c) of the Clean Water Act (Docket No. CWA 1321-5-13-001)

Dear Mr. Adams:

The United States Environmental Protection Agency ("U.S. EPA") has completed its review of the following document submitted by Enbridge Energy, Limited Partnership ("Enbridge") on May 1, 2013:

Enbridge Line 6B MP 608, Marshall, MI Pipeline Release, 2013 Submerged Oil Removal and Assessment Work Plan, Prepared for the United States Environmental Protection Agency, Enbridge Energy, Limited Partnership, Resubmitted: May 1, 2013

Pursuant to the Administrative Order ("Order") issued by U.S. EPA on March 14, 2013 (Docket No. CWA 1321-5-13-001), U.S. EPA approves the above-referenced **2013 Submerged Oil Removal and Assessment Work Plan** ("Work Plan"), with the modifications described below. The approved Work Plan is effective today, May 8, 2013.

Work Plan Modifications

1. Revise the Work Plan title and cover to read: "2013 Submerged Oil Removal and Assessment Work Plan – May 13, 2013." Do not reference prior Work Plan submittals on the cover or title pages.
2. List all the plans included in Attachment B in the Table of Contents of the Work Plan.
3. Section 1.5: Replace the second sentence with the following sentences: "The organizational structure shown in Attachment A is preliminary. U.S. EPA will work with

Enbridge to develop a complete organizational structure, at which time Enbridge will submit a supplement to the Work Plan describing the revised organizational structure.”

4. Section 1.6: Provide a full citation/reference for the most current Health and Safety Plan (HASP), Version 6.2 (April 2012).
5. Section 2.6: Add the following sentence: “Upon submitting permit applications or requests for modifications of existing permits to the MDEQ and/or other agencies, Enbridge shall concurrently provide copies of these submittals to U.S. EPA. This includes, but is not limited to: dredge permits, buoy permits, National Pollution Discharge Elimination System (NPDES) permits and soil erosion control permits.”
6. Section 2.7.3: Remove the last two sentences (which begin with “In addition, where available data reflects...”) in their entirety. Post dredging sheen will be a discussion topic between U.S. EPA and Enbridge subsequent to this Work Plan approval.
7. Section 2.8.2: Replace the sentence: “The proposed dredge depth and extent may be modified based on the results of the investigation” with “The proposed dredge depth and extent may be modified, subject to U.S. EPA approval, based on the results of the investigation.”
8. Section 2.8.2.1: Replace: “...may be supplied...” with “...will be supplied...”
9. Sections 3.1.3.2, 3.2.3.2, and 3.3.3.2: Replace the last two sentences of the first paragraph in each section with the following sentence: “Dredging depth is based on 2012 average soft sediment thicknesses collected during poling as recommended by U.S. EPA.”
10. Section 5.2: Replace Figure 3 with the version that is included in the Sediment Poling Standard Operating Procedure (Enbridge; May 11, 2012; approved May 21, 2012). After the words “GPS coordinates” in the third sentence of the first paragraph, add the following “(including vertical elevations)”. In addition, add the following sentence to the end of the last paragraph: “The datum for elevation will be the North American Vertical Datum 1988 (NAVD 1988).”
11. Section 2.9, 4.3, 5.3: State in the appropriate sections that GIS data shall be provided to the U.S. EPA on the following schedule:
 - a. Poling results: within 1 day of data collection.
 - b. Sediment bathymetry: within 1 day of completing field activities for a given target area.
12. Section 13: Add the following sentence: “If any project schedule line items are adjusted after the Spring 2013 Reassessment is performed, Enbridge shall still meet the completion date of December 31, 2013 required by the Order.”
13. Attachment D: Replace “containment” with “contaminant”.

14. Figure 1 (sheets 1 through 5): The legend describing dredge areas provided by U.S. EPA is inaccurate. Change legend to “Dredge area footprints based on 2012 worst case heavy/moderate poling results.” Remove the U.S. EPA dredge area legend icon from Sheets 2 and 4 as it does not apply to those sheets.
15. Figure 4 (all sheets): Add all locations/areas identified as heavy and/or moderate delineations during the Fall 2012 Late Summer Reassessment.

Supplemental Documents

Enbridge shall submit supplemental plans summarized below to U.S. EPA. U.S. EPA will work with Enbridge to develop the details of the plans identified below at meetings that will occur subsequent to the issuance of this letter, at which time U.S. EPA will also advise Enbridge of due dates for the plans.

- A. Enbridge shall work with U.S. EPA to develop a complete organizational structure to carry out the work described in the Work Plan. Enbridge shall submit to U.S. EPA an **Organization Structure Supplement** to the Work Plan no later than 17:00 Eastern on May 28, 2013.
- B. Section 2.1 is lacking sufficient detail and a description of efforts that were made to pursue options for limiting closure of the river to the public during dredging activities. Enbridge shall submit to U.S. EPA a **Management of Public River Access During Dredging Operations Supplement** to the Work Plan no later than 17:00 Eastern on May 17, 2013. This supplement shall, at a minimum:
 - a. Fully describe Enbridge efforts to obtain access for new river ingress and egress points.
 - b. Provide a history (including dates) of Enbridge discussions with property owners where geographically desirable access exists.
 - c. Describe fully the factors Enbridge evaluated when considering supplemental access points to limit river closures or inaccessibility to the public.
 - d. Describe the plan and provide a schedule for implementation of river management-by-buoy which shall include maintaining passable channels or portages for boaters through or around dredge areas.
 - e. Describe the types and amounts of dredge equipment considered to minimize river closure by maximizing dredging efficiency and reducing the amount of time each area is impacted by dredge operations.

Enbridge has proposed development of a separate plan for evaluation of legacy contamination and delineation of dredge depths. Discussions regarding this plan were held between Enbridge and U.S. EPA on April 30, 2013 and May 1, 2013. U.S. EPA remains willing to discuss details of Enbridge’s plan. U.S. EPA would expect that Enbridge’s plan will include, but not necessarily be limited to, figures of proposed sample locations, a detailed description of the proposed sample collection and handling methods (including target sample depths, target analytes, and laboratory analysis methods), and a discussion of the intended use of the data. Enbridge should not construe U.S. EPA’s continued willingness to discuss this separate plan for further delineation of dredge

depths to mean that requirements of the Work Plan, as approved today, are subject to further modification. U.S. EPA approval of the required supplements will follow as they are reviewed by U.S. EPA.

Enbridge shall submit dredge permit applications to the MDEQ no later than May 13, 2013. Enbridge shall modify the Project Schedule in Attachment G to reflect the dredge permit applications submittal date change. Enbridge shall deliver the modified Work Plan, which incorporates all changes required above, to U.S. EPA by 17:00 Eastern time on May 13, 2013.

If you have any questions, please contact me immediately at (231) 301-0559.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Dollhopf", with a long horizontal stroke extending to the right.

Ralph Dollhopf
Federal On-Scene Coordinator
U.S. EPA, Region 5

cc: K. Peaceman, U.S. EPA, ORC
C. Mikalian, U.S. EPA, ORC
S. McAnaney, U.S. EPA, ORC
J. Kimble, U.S. EPA, OSC
M. DeLong, MDEQ
Records Center, U.S. EPA, Reg. 5